

## DRAFT RULEMAKING SHADING LEGEND

- \* Shaded text - Rule sections or subsections not suggested for revision. This text is only for reference.
  - \* Unshaded Text - Rule sections or subsections that are suggested for revision.
  - \* Boldface Text – Suggested language additions.
  - \* Strikeout Text – Suggested language deletions.
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### 10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants

*PURPOSE: This rule establishes emission standards and performance criteria for new or modified sources emitting hazardous air pollutants. The purpose of this rulemaking is to amend 10 CSR 10-6.080 to incorporate 40 CFR part 61 subparts promulgated or amended between January 1, 2002 and June 30, 2003. Once the regulations are incorporated by reference, the Missouri Department of Natural Resources' Air Pollution Control Program will request delegation of enforcement authority from the U.S. Environmental Protection Agency (EPA). Yearly updates to this regulation is an EPA requirement to approve the state's authority to administer its Title V permits program. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are elements of the State/EPA work plan and Title V Operating Permit Program requirements.*

- (1) Applicability.
  - (A) The provisions of 40 CFR part 61, as of June 30, ~~[2002]~~**2003**, shall apply and are adopted by reference as part of this rule.
  - (B) Exceptions to the adoption are as follows: sections 61.4, 61.16, 61.17, subparts B, H, I, K, W, Q, R, T and those provisions which are not delegable by United States Environmental Protection Agency (EPA). Authorities which may not be delegated include 40 CFR 61.04(b), 61.12(d)(1), 61.13(h)(1)(ii), 61.112(c), 61.164(a)(2), 61.164(a)(3), 61.172(b)(2)(ii)(B), 61.172(b)(2)(ii)(C), 61.174(a)(2), 61.174(a)(3), 61.242-1(c)(2), 61.244, and all authorities listed as not delegable in each subpart under Delegation of Authority.
  - (C) Where emission limitations, test procedure or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive ~~[of each emission limitation, the more accurate test procedure or the more restrictive]~~ **rule** requirement shall be applied **if that requirement is within the limitations of 643.055, RSMo.**
- (2) Definitions. Certain terms used in 40 CFR part 61 refer to federal officers, agencies and publications. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts:
  - (A) Director shall be substituted for Administrator;

- (B) Missouri Department of Natural Resources shall be substituted for EPA, EPA Regional Office or Environmental Protection Agency; and
  - (C) *Missouri Register* shall be substituted for *Federal Register*.
- (3) The following are the National Emission Standards for Hazardous Air Pollutants (NESHAPs) 40 CFR part 61 subparts that are adopted by reference in this rule. Individual sources, operations or installations in these categories are subject to this rule based on date of commencement of construction and other category specific parameters, as specified in the applicable subpart:
- | Subpart | Title   |
|---------|---|
| (C)     | National Emission Standard for Beryllium  |
| (D)     | National Emission Standard for Beryllium Rocket Motor Firing  |
| (E)     | National Emission Standard for Mercury  |
| (F)     | National Emission Standard for Vinyl Chloride   |
| (J)     | National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene                                       |
| (L)     | National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants                                       |
| (M)     | National Emission Standard for Asbestos   |
| (N)     | National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants                                  |
| (O)     | National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters                                     |
| (P)     | National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities |
| (V)     | National Emission Standard for Equipment Leaks (Fugitive Emission Sources)  |
| (Y)     | National Emission Standards for Benzene Emissions From Benzene Storage Vessels  |
| (BB)    | National Emission Standards for Benzene Emissions From Benzene Transfer Operations  |
| (FF)    | National Emission Standard for Benzene Waste Operations   |
- (4) Reporting. Reporting requirements are specified in each federal regulation adopted by reference.
- (5) Test Methods. Test methods are specified in each federal regulation adopted by reference.